

REMARKS

Claims 75-94 are currently pending in the subject application and are presently under consideration and are found on pages 2-5 of this Reply. Claims 76-92 have been amended herein. Claims 1-74 stand withdrawn. Claims 93-94 have been newly added.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 75-78, 80-87 and 92 Under 35 U.S.C. §102(e)

Claims 75-78, 80-87 and 92 stand rejected under 35 U.S.C. §102(e) as being anticipated by Durbin *et al.* (US 6,039,258). It is respectfully requested that this rejection be withdrawn for at least the following reason. Durbin *et al.* does not teach or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 75 (and similarly independent claims 93-94) recites a product location information retrieval system for use by a customer in a retail establishment. A computer terminal with an optical reader is arranged to receive a data input query from the customer using the terminal and relating to a product located in a product access zone and displaying an image of the product to be accessed by the user. Durbin *et al.* does not teach or suggest such claimed aspects of the subject invention.

More particularly, Durbin *et al.* does not teach or suggest *displaying an image of the product* to be accessed by the user. The Examiner cites Fig. 6, element 12 of Durbin *et al.* to teach this limitation. However, this section of Durbin *et al.* is not directed to *displaying an image of a product*. Instead, this section discloses employment of a “somatic communication system [which] provides a signal...detectable by the operator’s sense of touch during hand held utilization of the data terminal.” (*See col.4, ll.64-67*).

Such a signal "can be communicated to the operator upon movement of the handheld portable data terminal wherein the data terminal contains movement sensors." (col.7, ll.63-65). Thus, the somatic communication systems may detect when the terminal is moved from a dormant position to a position which indicates to the operator that the data collection process has been initiated. This somatic communications system then indicates to the operator through the vibrational movement that the data terminal is operational to collect data. (*See* col.8, ll.5-10). Thus, Durbin *et al.* is directed to a system that detects when a terminal is being used and/or when the terminal has initiated or completed data collection. Such indications are provided to the user *via* vibrational signals as noted above and not *via* the *display of images* related to the product that is read.

Moreover, such vibration signals are unrelated to the product from which data collection is taking place. The vibrational signals are sent regardless of any descriptive information relating to the product (*e.g.*, type, size, *etc.*) of the product, as recited in the subject claim. Instead, the signal as disclosed in Durbin *et al.* is based solely on the use and/or data collection of the terminal and not the product that is being scanned.

Furthermore, Durbin *et al.* does not teach or suggest receiving a data input query from a computer using a terminal and *relating such a query* to a product located in the product zone. As noted above, the signal sent in Durbin *et al.* is *unrelated to the product that corresponds to the query* since the signal will be sent regardless query that is sent. This is distinguished from the subject claim where the signal sent is *related to the query* of the product since the image of the product is displayed to the user. Thus, such a signal is *related to the query* in the subject invention and is *unrelated to the query* as disclosed in Durbin *et al.*

Accordingly, for the aforementioned reasons, it is submitted that the Durbin *et al.* does not teach nor anticipate applicants' invention as recited in claims 75, 93 or 94 (or claims 76-92 which depend therefrom) and this rejection should be withdrawn.

II. Rejection of Claims 79 and 88 Under 35 U.S.C. §103(a)

Claims 79 and 88 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin *et al.* (US 6,039,258) in view of Yamamoto (US 5,991,276). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons.

Claims 79 and 88 are dependent from independent claim 75 and Durbin *et al.* fails to teach or suggest each and every element of independent claim 75 as noted *supra*. Thus, it is requested that this rejection be withdrawn.

III. Rejection of Claims 89-90 Under 35 U.S.C. §103(a)

Claims 89-90 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin *et al.* (US 6,039,258) in view of Soltesz (US 5,756,978). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claims 89-90 are dependent from independent claim 75 and Durbin *et al.* fails to teach or suggest each and every element of independent claim 75 as noted *supra*. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 89-90 Under 35 U.S.C. §103(a)

Claims 89-90 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin *et al.* (US 6,039,258) in view of Copland (US 5,717,430). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claim 91 is dependent from independent claim 75 and Durbin *et al.* fails to teach or suggest each and every element of independent claim 75 as noted *supra*. Copland fails to make up for such aforementioned deficiencies and this rejection should be withdrawn.

V. **Conclusion**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731